

**CITY COUNCIL
BUSINESS MEETING MINUTES
June 21, 2011**

A Business Meeting of the Monroe City Council was held on June 21, 2011, in the Council Chambers at City Hall. Mayor Robert Zimmerman called the meeting to order at 7:00 p.m.

Councilpersons present: Balk, Stima, Kamp, Tuttle, Williams, and Goering.

It was noted that Councilperson Balk would be late.

Councilperson absent: Cudaback (vacation)

Staff present: Brazel, Feilberg, Quenzer, Harris, Willis, Nelson, and Martinson.

City Attorney Zach Lell was present.

The meeting was opened with the Pledge of Allegiance.

ANNOUNCEMENTS & PRESENTATIONS

Swearing in of Two Police Officers

Chief Quenzer introduced Judge Steve Clough, who would be swearing in the two new officers. He introduced Officer Reed Jones and gave his background. He was laid off from the King County force in 2010 and was able to come to Monroe. Officer Jones was sworn in by Judge Clough and Chief Quenzer pinned on his badge.

Councilperson Balk entered Council Chambers at 7:06 p.m.

Officer Javier Patton was introduced, and is returning to the department after a short absence. Chief Quenzer gave his background, including an award received. Officer Patton was sworn in by Judge Clough and Mrs. Patton pinned on his badge.

MEETING RECESSED FOR A SHORT BREAK: 7:08 p.m.

MEETING RECONVENED INTO REGULAR SESSION: 7:09 p.m.

COMMENTS FROM CITIZENS

Ty Balascio, 13402 231st Ave SE, Monroe, recapped efforts in Monroe Initiative #1. He stated what he felt were Council's obligations and roles. He wants Council to let the voters decide.

Tim Eyman, from Mukilteo, highlighted what Mukilteo did and what the courts approved. He asked Monroe to follow in their footsteps.

Mike Larson, 191st, Monroe, spoke about the intent of the initiative. The decision to put in traffic cameras was by a prior Council. Citizens deserve the opportunity to vote. Safety is important, but people should be allowed to vote.

CONSENT AGENDA

The motion was made by Councilperson Williams and seconded by Councilperson Goering to approve the Consent Agenda. On vote,

Motion carried 6/0.

Items approved: 1A) March 29, 2011 Business Meeting Minutes; 2) Bills (Vouchers #079727 – 079848), in the amount of \$719,017.44; 3) Resolution Adopting Six-Year Transportation Improvement Program 2012 – 2017; 4) Resolution Authorizing Surplus of City Property – Narcotics Seizure Vehicles; 5) Ordinance Amending Monroe Municipal Code 13.04.490 to Allow Property Owners to Authorize Utility Bills to be Sent to Tenants; 6) Authorize Mayor to Sign Amendment to Interlocal Agreement Between City of Everett and City of Monroe for In-Service Law Enforcement Training; 7) Authorize Mayor/Sign 2011 Evergreen State Fair Traffic Control Services Agreement.

The motion was made by Councilperson Goering and seconded by Councilperson Balk, to approve changing the agenda to move the executive session and Final Action item before New Business. Councilperson Williams made the friendly amendment to have the Library Board Joint meeting first. The maker and seconder of the first motion agreed. On vote,

Motion carried 6/0.

NEW BUSINESS

Joint Meeting with Library Board

Mayor Zimmerman explained the purpose of the meeting and introduced Betsy Lewis, Monroe Managing Librarian, who introduced the Library Board members: Therese Adams, Tami Beaumont, Roma Zanders, Joan Brown, and Shawn Schollmeyer, and Valerie Stevens from Sno-Isle Libraries, and Larry Norgaard, a Monroe staff member. Ms. Lewis explained that the Library Board was established by City ordinance and that the Board members are Library advocates. She explained the services and events the Library provides and the importance of the Library to senior citizens. The Library plays an important role in the community for job searches and other types of research.

Shawn Schollmeyer addressed Council stating that they need advocates to remind that the Library isn't just a stationary building. They want Council to be an advocate for them. They would like to have Council remind people about the library being a good resource and asked what Council would like to see from the Board.

It was determined that another Library tour for Council would be planned in the future.

Each Library Board member gave their background and comments about the Library and the services offered.

After comments from Council, Mayor Zimmerman thanked the Board for attending and providing their background. He stated that he and Council would advocate for the library, and thanked them for the services they provide.

Executive Session

Executive Session: Potential Litigation

Mayor Zimmerman explained that there was a need to go into an executive session for approximately 15 minutes. City Attorney Lell explained that the purpose of the executive session was for Council to discuss a legal risk and potential litigation with legal counsel. The executive session is authorized pursuant to RCW 42.32.110 (i). Council may take action after they reconvene into Regular Session.

MEETING RECESSED INTO EXECUTIVE SESSION: 7:58 p.m.

EXECUTIVE SESSION WAS EXTENDED

MEETING RECONVENED INTO REGULAR SESSION: 8:52 p.m.

FINAL ACTION

Councilperson Balk stated that he has great respect for the power of Initiative. He commented that the contract extends to September 2013. He suggested that they put an advisory vote on the ballot to ask whether or not citizens want the City to extend the contract beyond that.

The motion was made by Councilperson Balk and seconded by Councilperson Goering to instruct staff to do the research necessary and prepare to put an advisory vote on the ballot before 2013, when the contract ends, to seek an advisory vote from citizens whether to extend contract or allow it to expire.

Motion carried 6/0.

The motion was made by Councilperson Balk and seconded by Councilperson Balk to adopt Resolution #2011/015 declaring that proposed Monroe Initiative No. 1 is invalid; directing that no action be taken to include proposed Monroe Initiative No. 1 on the ballot; and authorizing the Mayor to initiate litigation seeking a declaratory judgment, as read into the record by City Attorney Lell.

After additional comments, the motion was on the floor to adopt Resolution #2011/015.
On vote,

Motion carried 6/0.

Mayor Zimmerman explained that Council had determined that the Initiative No. 1 is not valid and has authorized him to initiate litigation. When State law allows the local legislative authority to enact a particular type of ordinance, that ordinance is not subject to initiative or referendum. As Mayor, he is to uphold laws enacted and to protect citizens of Monroe.

Introduction of 2011 Comprehensive Plan Amendments: CPA2011B (Capital Facilities Plan) and CPA2008B (Land Use Analysis) / CPA2011-02 (Monroe School District Impact fees)

Councilperson Balk stated that he is an employee of the school district and would recuse himself from School District discussions.

City Attorney Lell stated that Councilperson Balk didn't have to recuse himself; although, if Council wished, he could review this further to determine whether recusal is necessary. Councilperson Balk stated that he would prefer to recuse himself during the School District discussion.

Public Works Director Feilberg explained about projections done in the past regarding transportation, sewer, water, and storm that now need to be adjusted. Usually, the plans are updated every six year. However, they found that the population projections have changed. He explained the new projections and timelines. There will be a public hearing with the Planning Commission and this item will come before City Council on July 19th for adoption of the City's annual Comp Plan amendment

After questions and comments, the next topic for discussion was School District Impact Fees.

Councilpersons Balk and Tuttle recused themselves and left Council Chambers, as they are both school employees. They will wait until City Attorney has further reviewed this matter to determine whether they would need to recuse themselves in the future.

Director Feilberg explained that School District Impact Fees were before the Planning Commission for a public hearing on April 4, 2011. The City is only allowed to update its Comprehensive Plan once per year; so, this item was delayed to allow them to submit all amendments at one time. The School District updated and adopted their Capital Facilities Plan. The City needs to adopt the School District Plan, because that is what the City uses to set and collect the mitigation fees for schools for single family houses. The Plan complies with all applicable regulations.

Councilpersons Balk and Tuttle returned to Council chambers at 9:15 p.m.

Ordinance Authorizing the Payment of Claims or Other Obligations by Check/1st & Final Reading

Finance Director Nelson explained the history of the ordinance that was adopted for paying City bills. Set up the way it currently is, the City doesn't have to have the money in the bank when they produce checks. There is no liability for banks, but there is for the City. This system worked well until 9/11. President Bush enacted "Check 21" making digital copies as good as warrants. Banks could just sent electronic images instead of flying all over the country. The current method is labor intensive, they can't put stop payments on checks, and there is no fraud protection. With "Positive Pay", the City is protected, since there will be a list of checks given to the bank for payment and the bank

won't pay anything that isn't on the list. She related a story about a good outcome for another City that was protected from fraud, due to "Positive Pay".

The motion was made by Councilperson Williams and seconded by Councilperson Kamp, to adopt an Ordinance of the City of Monroe, Washington, authorizing the payment of claims or other obligations by check pursuant to RCW 35A.40.020, as read into the record by City Attorney Lell. On vote,

Motion carried 6/0.

Discussion: Functions of Government

City Administrator Brazel explained that staff had listened to Council and looked at the Comprehensive Plan and goals and policies. They felt it was best to take a step back and have Council adopt six functions of government and go from there.

After discussion, it was determined that staff would bring this item back with the changes suggested by Council, based on Councilperson Williams' outline.

The motion was made by Councilperson Williams and seconded by Councilperson Goering, to extend the meeting past 10:00 p.m. On vote,

Motion carried 6/0.

North Kelsey Pond

Director Feilberg explained that there had been a suggestion to put the retention pond under a piece of property on North Kelsey. He thought Council had wanted to leave it where it's located; but, needed a motion for the record.

The motion was made by Councilperson Stima and seconded by Councilperson Goering, to leave the pond where it is located. On vote,

Motion carried 6/0.

COUNCILMEMBER/ MAYOR/ ADMINISTRATIVE STAFF REPORTS

Brad reminded Council about Amateur Field Radio Day on Saturday at Sky River Park.

City Administrator Brazel reported that the Tri Monroe triathlon event was this weekend and that the Pro Wake Board event will be few weeks after that.

After a question, it was confirmed that permits were issued for demolishing the building on Hill Street.

Council consensus was to switch the cancelled July 26th Council meeting for August 2nd, in order to allow Councilmembers to attend *Night Out Against Crime* event on August 2nd.

Draft Agenda/July 12, 2011 Council Business Meeting

The draft agenda for July 12, 2011, was available for individual Council review.

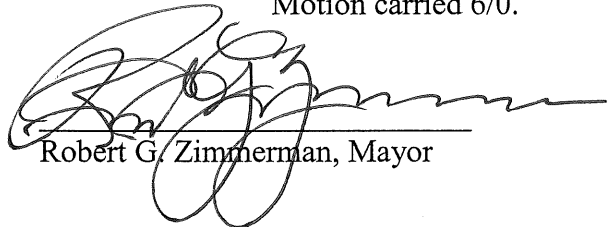
Mayor Zimmerman thanked council for their respectful demeanor and willingness to stand up for the *Oath of Office* that they had all taken.

There being no further business, the motion was made by Councilperson Williams and seconded by Councilperson Goering, to adjourn the meeting. On vote,

Motion carried 6/0.

MEETING ADJOURNED: 10:05 p.m.


Eadye Martinson, Deputy City Clerk


Robert G. Zimmerman, Mayor